

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 14 June 2021

Public Authority: The University of Sheffield
Address: Western Bank
Sheffield
S10 2TN

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-63496-X6L0, for a decision whether a request for information made by the complainant to the University of Sheffield ('the university') on 25 July 2020 has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 25 July 2020 the complainant requested the following information under the FOIA:

"I am writing to you under the Freedom of Information Act 2000 to request the following information:

- All risk assessments of the return to in-classroom small group teaching in relation to COVID-19 and any mitigation measures indicated by or decided as a result of these assessments, both for the university as a whole and for SchARR specifically*
- Information of any guidance, insight, or other input from Public Health professionals in regard to re-opening campus and particularly in-person registration and the return to in-classroom small group teaching and how that input has been utilised, both for the university as a whole and for SchARR specifically*
- Minutes related to the decision to return to in-classroom teaching since the outbreak of COVID-19, the risk that decision poses, and how that risk is intended to be managed from e.g.*
- Business continuity and/or incident control and management groups*
- Learning and Teaching Committee*
- Health and Safety Committee*
- UEB*
- any other relevant universities groups, committees, team, or bodies - Any legal advice the university has sought or received in relation to liability and indemnity in relation to death, disability, or other damage resulting from COVID-19 cases following the reopening of campus."*

3. On 14 September 2020 the university disclosed information in response to this request, specifically a risk assessment form, coronavirus guidance for managers, a return to campus checklist and an equality impact assessment.
4. On 15 September 2020 the complainant requested an internal review into the handling of this matter, as they were concerned that the scope of the original request was much wider than that covered by the disclosed information.
5. On 28 September 2020 the university conducted an internal review into this matter and refused to provide the outstanding information citing section 22 (information intended for future publication) of the FOIA.
6. The Commissioner wrote to the university of 1 April 2021 and asked several questions relating to the university's application of section 22 of

the FOIA and for a copy of the withheld information. The Commissioner asked that this information was provided by 4 May 2021.

7. On 5 May 2021 the university telephoned the Commissioner to apologise for missing the aforementioned deadline. The university indicated that the information requested by the complainant was being considered for disclosure. The Commissioner therefore extended the time for the university to provide its substantive response to 18 May 2021.
8. On 19 May 2021 the Commissioner wrote to the university and explained that, having checked her records, it did not appear that the university had provided its response. The Commissioner asked that this information was provided by 3 June 2021.
9. On 4 June 2021 the Commissioner wrote to the university and explained that an information notice would be served on 11 June 2021 date unless the Commissioner had received the information she needs to progress this case or evidence that the requested information has now been disclosed.
10. On 10 June 2021 the Commissioner telephoned the university to ascertain if her previous correspondence had been received which the university confirmed that it had. The university indicated that a response would be provided by the aforementioned deadline, and apologized for the delay.
11. On 10 June 2021 the university wrote to the Commissioner and provided contextual information surrounding the request for information but failed to address all of the withheld information that falls within the scope of the complainant's request or provide answers to the Commissioner's questions surrounding the university's application of section 22 of the FOIA. Furthermore, the Commissioner has still yet to receive copies of the withheld information that she previously requested.

Information required

12. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the University of Sheffield shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:

- a) An answer to all of the Commissioner's questions in her original scoping letter of 1 April 2021.
- b) Full unredacted copies of the withheld information

Failure to comply

13. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

14. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatorychamber

15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed
Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF